

## FALL 2013 EMPLOYMENT LAW SEMINAR

Date	Sept. 25 & 26
Time	8:00 a.m. - 10:45 a.m.
Location	Two locations: San Jose and Pleasanton [new venue for Pleasanton: Four Points by Sheraton, 5115 Hopyard Road]

### **Easier Said Than Done: Telling Your Employees How They Are Doing and Preventing Harassment, Discrimination and Retaliation**

There is nothing easy about managing people. People are complicated. Every workplace has its personalities, differences of opinion, diversity, and employee morale issues. And there are no cookie-cutter solutions to managing all employees' performance or preventing all employees from engaging in conduct that is potentially harassing, discriminating, or retaliatory.

With that said, there are many objective steps and best practices employers can, and should, apply in their approach to managing employee performance and conduct. Developing and applying an objective approach can help ensure consistency, fairness, and compliance with various state and federal employment laws. As a practical matter, an employer needs to be able to discipline or terminate a marginal employee without fear that the employee will claim retaliation. It is also a practical reality that when a person is accused of unlawful conduct by another employee, he or she may have a difficult time maintaining a positive working relationship with that employee. **Attending a seminar with employment law professionals and a group of your peers is a great place to work through these issues.**

Through "performance art" and lively, interactive discussion, **this seminar will provide detailed guidance on effective processes for managing employee performance and addressing employee grievances of unlawful or otherwise unwelcome conduct.** There will also be adequate opportunity to discuss specific scenarios and questions from the audience. Among other issues, we will discuss:

- Employment decisions based on "mixed motives" — where there are both legitimate business reasons and discriminatory reasons for making a personnel decision
- The impact of "stray remarks" in a discrimination case, and other lessons from the ruling in *Reid v. Google*

- Handling company bad-mouthing by employees through social media (“personal rants” vs. “protected concerted activity”)
- The U.S. Supreme Court’s recent decisions regarding who is a “supervisor” and what standard applies for proving “retaliation”
- The EEOC’s (Equal Employment Opportunity Commission’s) recent uptick in enforcement actions concerning retaliation

### Who Should Attend:

Business owners, managers, supervisors, CEOs, COOs, human resource professionals, in-house legal counsel, and anyone else responsible for managing employee performance and addressing workplace complaints of harassment, discrimination, and retaliation.

### Registration Details:

- Please note there are two dates, September 25 (in Pleasanton) and September 26 (in San Jose).
- Registration fee is **\$35 for non-Hoge Fenton clients**, and includes program materials and a continental breakfast.
- **If you are a client**, please contact Patty Blanquies, [pvb@hogefenton.com](mailto:pvb@hogefenton.com) or 408.947.2487, to register at no charge.
- Registration includes program materials and 2.5 hours of MCLE/CPE. This program has been submitted for 2.5 (General) recertification credit hours toward PHR, SPHR and GPHR recertification through the HR Certification Institute.

For more information about the firm's **Employment Law** practice, please **[click here](#)**.

## Related Attorneys

- Sarju A. Naran
- Jenn Protas